### **EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2004-1836-PWS-E **TCEQ ID:** RN101391308 **CASE NO.:** 21658

RESPONDENT NAME: City of Killeen

FINDINGS DEFAULT ORDER  SHUTDOWN ORDER  IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER  AMENDED ORDER  CASE TYPE:  AIR  MULTI-MEDIA (check all that apply)  INDUSTRIAL AND HAZARDOUS WAS XPUBLIC WATER SUPPLY  PETROLEUM STORAGE TANKS  OCCUPATIONAL CERTIFICATION  WATER QUALITY  SEWAGE SLUDGE  UNDERGROUND INJECTION CONTR  MUNICIPAL SOLID WASTE  RADIOACTIVE WASTE  DRY CLEANER REGISTRATION  SITE WHERE VIOLATION(S) OCCURRED: City of Killeen Public Water System, Killeen, Bell County  TYPE OF OPERATION: Public water supply system  SMALL BUSINESS: Yes X No  OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this far location.  INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.  COMMENTS RECEIVED: The Texas Register comment period expired on May 7, 2007. No comments were received.  CONTACTS AND MAILING LIST: TCEO Attornev/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223	ORDER TYPE:							
ENDANGERMENT ORDER  _AMENDED ORDER  _AMENDED ORDER AIR	X 1660 AGREED ORDER							
CASE TYPE:  _AIR	FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER						
AIR	_AMENDED ORDEREMERGENCY ORDER							
XPUBLIC WATER SUPPLY PETROLEUM STORAGE TANKS OCCUPATIONAL CERTIFICATION WATER QUALITY SEWAGE SLUDGE UNDERGROUND INJECTION CONTR MUNICIPAL SOLID WASTE RADIOACTIVE WASTE DRY CLEANER REGISTRATION  SITE WHERE VIOLATION(S) OCCURRED: City of Killeen Public Water System, Killeen, Bell County  TYPE OF OPERATION: Public water supply system  SMALL BUSINESS:Yes X_No  OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this fallocation.  INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.  COMMENTS RECEIVED: The Texas Register comment period expired on May 7, 2007. No comments were received.  CONTACTS AND MAILING LIST: TCEO Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223	CASE TYPE:							
	AIRMULTI-MEDIA (check all that apply)INDUSTRIAL AND HAZARDOUS WA							
	X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	_OCCUPATIONAL CERTIFICATION					
SITE WHERE VIOLATION(S) OCCURRED: City of Killeen Public Water System, Killeen, Bell County  TYPE OF OPERATION: Public water supply system  SMALL BUSINESS: YesX_ No  OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this factoration.  INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.  COMMENTS RECEIVED: The Texas Register comment period expired on May 7, 2007. No comments were received.  CONTACTS AND MAILING LIST:  TCEO Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223	WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL					
TYPE OF OPERATION: Public water supply system  SMALL BUSINESS: YesX No  OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this factorion.  INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.  COMMENTS RECEIVED: The Texas Register comment period expired on May 7, 2007. No comments were received.  CONTACTS AND MAILING LIST:  TCEO Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223	MUNICIPAL SOLID WASTE							
Lopez, Enforcement Division, MC 219, (512) 239-1896	TYPE OF OPERATION: Public water supply system  SMALL BUSINESS:YesXNo  OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.  INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.  COMMENTS RECEIVED: The Texas Register comment period expired on May 7, 2007. No comments were received.  CONTACTS AND MAILING LIST:  TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5363; Mr. Steven							
Respondent: Ms. Connie J. Green, City Manager, City of Killeen, P.O. Box 1329, Killeen, Texas 76540 The Honorable Maureen Jouett, Mayor, City of Killeen, P.O. Box 1329, Killeen, Texas 76540 Mr. Bruce A. Butscher, P.E., Director of Public Works, City of Killeen, P.O. Box 1329, Killeen, Texas 76540  Respondent's Attorney, Not represented by counsel on this enforcement matter.								

RESPONDENT NAME: City of Killeen DOCKET NO.: 2004-1836-PWS-E

#### **VIOLATION SUMMARY CHART:** PENALTY CONSIDERATIONS VIOLATION INFORMATION CORRECTIVE ACTIONS TAKEN/REQUIRED Type of Investigation: Total Assessed: \$1,473 Corrective Actions Taken: Complaint X Routine 1) The Executive Director recognizes that the Total Deferred: \$0 \_\_\_ Enforcement Follow-up \_\_Expedited Settlement City has implemented the following corrective \_\_\_ Records Review measures at the Facility: Financial Inability to Pay Date(s) of Complaints Relating to this Case: a) On August 10, 2004: SEP Conditional Offset: \$1,473 i. Completed all modifications to ensure air Date of Investigation Relating to this Case: release devices are properly installed throughout Total Paid (Due) to General Revenue: \$0 August 5, 2004 the water distribution system; and Site Compliance History Classification ii. Installed containment facilities for all Date of NOE Relating to this Case: September, \_\_ High \_\_ Average \_\_ Poor liquid chemical storage tanks. 22, 2004(NOE) Person Compliance History Classification Background Facts: This was a routine b) On September 3, 2004, installed the required \_\_ High \_X\_ Average \_\_\_ Poor investigation. backflow prevention assembly at the noncompliant location; and Major Source: X Yes \_\_\_ No WATER c) On November 1, 2004, completed final Applicable Penalty Policy: September 2002 corrective measures and certified that the 1) Failed to properly install air release devices in the distribution system [30 Tex. ADMIN. residual disinfectant concentration is compliant. CODE § 290.44(d)(1)]. **Ordering Provisions:** 2) Failed to install backflow prevention assemblies or an air gap at all residences or 2) The Order will require the Respondent to establishments where an actual or potential implement and complete a Supplemental contamination hazard exists [30 Tex. ADMIN. Environmental Project (SEP) (See SEP CODE §§ 290.44(h)(1)(A) and 290.47(i)]. Attachment A). 3) Failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.20 milligrams per liter (mg/L) free chlorine or 0.50 mg/L chloramine [30 Tex. ADMIN. CODE § 290.110(b)(4)]. 4) Failed to provide chemical containment equipment for all liquid chemical storage tanks [30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)].

# Attachment A Docket Number: 2004-1836-PWS-E

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** 

City of Killeen

**Penalty Amount:** 

One Thousand Four Hundred Seventy-Three Dollars (\$1,473)

**SEP Offset Amount:** 

One Thousand Four Hundred Seventy-Three Dollars (\$1,473)

Type of SEP:

Custom

**Location of SEP:** 

**Bell County** 

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

#### 1. Project Description

#### A. Project

The Respondent shall hold a one-day city-wide waste collection and recycling event and a waste tire dump clean up event. The clean up event will include recycling batteries, electronics, and tires.

The Respondent shall ensure that the event:

- occurs on a weekend during daylight hours;
- offers to the public a convenient drop-off location;
- is organized and conducted by City employees;
- is advertised in:
  - > one newspaper of large circulation in the geographic area,
  - > flyers placed in utility bill mail-outs,
  - > City of Killeen web page, and
  - > City of Killeen cable channel.

The Respondent shall collect, transport, and dispose of the collected wastes. SEP monies related to this Order will be used for roll-off bins, heavy equipment including a track loader, and small equipment to be used during the event.

The Respondent shall perform this project in accordance with all federal, state and local laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event.

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The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

#### B. Environmental Benefit

The recycling portion of the event will include recycling of E-waste materials. E-waste materials include computers and related information technologies such as workstations, scanners, printers, hand-held diagnostic and screening tools, cell phones, servers, and televisions, among many others. Cathode ray tubes ("CRT") are the picture tubes in computers, monitors and TVs. With the rapid evolution of technology, computers and TVs containing CRTs become obsolete in a short period of time and are simply discarded, often in landfills. A typical 17-inch CRT contains approximately two pounds of lead and larger CRTs may contain up to ten pounds of lead. E-waste can contain lead, mercury, cadmium, hexavalent chromium and brominated flame retardants.

This SEP will limit potentially toxic or hazardous E-waste from the waste stream destined for disposal or incineration and to divert the E-waste to environmentally sensitive recycling. This will save valuable landfill capacity and allow the recycler to re-utilize E-waste components, including CRTs.

This SEP will also provide a discernible environmental benefit by providing for the proper disposal of debris and waste that can leach chemicals into the soil, water, and air, as well as help rid the community of the dangers and health threats associated with non-regulated dumping.

#### C. <u>Minimum Expenditure</u>

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

#### 2. Performance Schedule

The Respondent shall complete the project within one year after the effective date of this Agreed Order.

#### 3. Reporting

#### A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. There are no other interim performance milestones for this one-day collection and recycling event.

#### B. <u>Final Report</u>

Within 45 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other

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#### City of Killeen

Agreed Order Attachment A Docket No. 2004-1836-PWS-E

verifying documentation attached;

- 2. The total amount of costs incurred;
- 3. A statement of quantifiable environmental benefits;
- 4. Number of tires, batteries, pounds of electronic waste collected;
- 5. Photographs of the project; and
- 6. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

#### C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

#### 4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

#### 5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the TCEQ staff may require immediate payment of all or part of the SEP Offset Amount. The Respondent agrees that it will contribute any monetary shortages in the Offset amount after performance of the project to TCEQ within 120 days of completion of the project.

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order and a note with any payment, explaining that the payment is for a SEP reimbursement. The payment for any amount due shall be made out to the "Texas Commission on Environmental Quality" and mailed to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

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City of Killeen Agreed Order Attachment A Docket No. 2004-1836-PWS-E

#### 6. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must also clearly state that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

### 7. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 8. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.

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PCW	08-Nov-2004 <b>Screening</b> 08-Nov-2004	Priority Due 06-Feb-2005	EPA Due	
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Respondent C				
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	otal EB Amounts \$53	*Capped at the Total EB \$ Amount	t	
Approx. Co	ost of Compliance \$7,000			
SUM OF SUBTOTA	ALS 1-7		Final Subtotal	\$1,473
OTHER FACTORS	AS JUSTICE MAY REQUIRE		Adjustment	\$0
Reduces or enhances the Fin	al Subtotal by the indicated percentage. (Enter number	only; e.g30 for -30%.)	_	
Notes				
L		Final P	enalty Amount	\$1,473
STATUTORY LIMI	T ADJUSTMENT	Final Ass	sessed Penalty	\$1,473

Adjustment

\$1,473

DEFERRAL

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

No reduction is recommended based on same or similar violations documented at this site in the past five years.

Screen	ing Date 08-Nov-2004 Docket No. 2004-1836-PWS-E			PCW
	pondent City of Killeen	Policy Rev	ision 2 (Sept	ember 2002
Cas	se ID No. 21658	PC	W Revision I	May 17, 200
Reg. Ent. Refere	ence No. RN101391308			i ja ett
Additional	D No(s). Public Water Supply ID No. 0140006	a No.	+ 1 ¢	
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	Other written NOVs	0	0%	
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	. 0%	)
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0   **/	0%	
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Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	то до до с с <sub>191</sub> ; <b>О</b>	omikara 0%	, i
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
Emissions	Chronic excessive emissions events (number of events)  Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act,	0	0%	. s ."
Audits	74th Legislature, 1995 (number of audits for which notices were Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	ries a
		ter Yes or No		, I
	Environmental management systems in place for one year or more Voluntary on-site compliance assessments conducted by the executive	No	0%	
	director under a special assistance program	. No	0%	
Other	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	* 4
	Adjustment Percen	tage (Su	btotal 2)	5%
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Average Per	<del> </del>	tage (Su	btotal 7)	0%
<ul> <li>Compliance His</li> </ul>	story Summary			
Compliance History Notes	The Respondent received one previous NOV with same or simila	r violations.		
	Total Adjustment Percentage (Subt			5%

H:\Agreed Orders\Killeen\2004-1836-pws-e-qcp\_Killeen.wb2 Page 3 of 10 05/24/07 **PCW** Screening Date 08-Nov-2004 Docket No. 2004-1836-PWS-E Respondent City of Killeen Policy Revision 2 (September 2002) Case ID No. 21658 PCW Revision May 17, 2004 Reg. Ent. Reference No. RN101391308 Additional ID No(s). Public Water Supply ID No. 0140006 Media [Statute] Public Water Supply Enf. Coordinator Edward R. Moderow **Violation Number** 30 Tex. Admin. Code § 290.44(d)(1) Primary Rule Cite(s) Secondary Rule Cite(s) **Violation Description** Failed to properly install air release devices in the distribution system. \$1,000 **Base Penalty Environmental, Property and Human Health Matrix** >> Harm Release Moderate OR Actual Percent 50% Potential **Programmatic Matrix** >> Falsification Moderate Minor Percent Human health or the environment will or could be exposed to pollutants Matrix Notes which would exceed protective levels. Adjustment -\$500 \$500 Base Penalty Subtotal **Violation Events** Number of Violation Events daily monthly \$500 Violation Base Penalty mark only one quarterly use a small > semiannual annual One monthly event is recommended based on the August 5, 2004 investigation to the August 10, 2004 date of compliance. Economic Benefit (EB) for this violation **Statutory Limit Test** \$475 Estimated EB Amount **Violation Final Penalty Total** 

This violation Final Assessed Penalty (adjusted for limits)

\$475

Page 4 of 10 05/24/07 H:\Agreed Orders\Killeen\2004-1836-pws-e-qcp\_Killeen.wb2

Case ID No Reg. Ent. Reference No Additional ID No(s)	. RN101391308						
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Delayed Cost	•		eralis are a list	- 	. 11 124	en itriir ee ee ee	11. 11.11
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Other (as needed				0.0	\$O <sub>′</sub>	\$0	\$
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Training/Sampling	9			0.0	\$0	n/a	\$
Remediation/Disposa	1			0.0	\$0	n/a	\$
Permit Cost	5			0.0	\$0	n/a	\$(
Other (as needed	)			0,0	\$0	n/a	\$
Notes for DELAYED cost	s Es	stimated cost t	o install complia	nt air r	elease devićes	s at 11 locations	<b>5</b> .7 (3.77)
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Disposa	1		la di Su	fairthroperaire in the	\$0	\$0	\$(
Personne	36			0.0	\$0	\$0	\$
Inspection/Reporting/Samplin	9			0.0	\$0	\$0	\$
Supplies/equipmen	**************************************			0.0	\$0	\$0	\$
Financial Assurance [2	- Barrowski dominica martinica control			0.0	\$0	\$0	\$
ONE-TIME avoided costs [3	]			0.0	\$0	\$0	\$
Other (as needed	)			0.0	\$0	\$0]	<del>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</del>
Notes for AVOIDED cost	5				*		
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This violation Final Assessed Penalty (adjusted for limits)

\$475

Page 6 of 10 05/24/07 H:\Agreed Orders\Killeen\2004-1836-pws-e-qcp\_Killeen.wb2

	Ec	onomic B	enefit Wo	rkshe	et		
Respondent	City of Killeen						
Case ID No.	21658						
Reg. Ent. Reference No.	RN101391308					The second	
Additional ID No(s).	Public Water S	Supply ID No. 0	140006		Service of the second	A Victoria de la Constantina del Constantina de la Constantina del Constantina de la	
Media [Statute]	Public Water S	Supply	4. 化铁矿 。		and the second	Percent	Years of
Violation No.	2				i grand sjelige	Interest	Depreciation
						5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$					or the constant of	
							desert to
Delayed Costs				ģ		·	
Equipment	Participation and a second and			0.0	\$0	\$0	\$(
Buildings	Brown and a second seco		<u></u>	0.0	\$0	\$0	\$(
Other (as needed)	[fodominimocomorphinimonicolomol]			0.0	\$ \$0	\$0	\$(
Engineering/construction	Bananananananananananan	05-Aug-2004	03-Sep-2004	0.1	\$0	\$8	\$1
Land				0.0	\$0	n/a	\$(
Record Keeping System	Programment and a second a second and a second a second and a second a second and a second and a second and a second and a			0.0	\$0	n/a	\$(
Training/Sampling		***************************************		0,0	\$0	n/a	\$(
Remediation/Disposal				0.0	\$0	n/a	\$(
Permit Costs	Burning and the second			0.0	<b>\$</b> 0	n/a	\$(
Other (as needed)	annannamentalan kananamentalan			0.0		n/a w	\$(
Notes for DELAYED costs		Es	stimated cost to	install	required device	ce.	
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	nata. Isro	0.5011				- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	
Avoided Costs				.4		ne-time avoided co	-4-1
	\$5000000000000000000000000000000000000	JALIZE [1] avoide	d costs before en	0.0	\$0	\$0	\$(
Disposal				0.0	\$0	\$0	\$(
Personnel	{			0.0	\$0 \$0	\$0 \$0	<u></u>
	1			0.0	\$0 \$0	\$0 \$0	\$(
nspection/Reporting/Sampling					. <b>.</b> .		
Supplies/equipment				Management		t t	Œ i
Supplies/equipment Financial Assurance [2]				0.0	\$0.	\$0 \$0	
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0	<b>\$</b> 0. <b>\$</b> 0	\$0	\$(
Supplies/equipment Financial Assurance [2]				0.0	\$0.		\$(
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0	<b>\$</b> 0. <b>\$</b> 0	\$0	\$1
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.0	<b>\$</b> 0. <b>\$</b> 0	\$0	\$(
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.0	<b>\$</b> 0. <b>\$</b> 0	\$0	\$( \$6

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	Page 7 of 1	0 05/24/07 H:\Agreed Orders\Killeen\2004-1836-pws-e-qcp_Killeen.wb2	
	Screening Date		PCW
	Respondent		ion 2 (September 2002)
	Case ID No.		/ Revision May 17, 2004
Reg	ı. Ent. Reference No.	RN101391308	
	Additional ID No(s).	Public Water Supply ID No. 0140006	
	Media [Statute]	Public Water Supply	
	Enf. Coordinator	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
	Violation Number		
	Primary Rule Cite(s)	30 Tex. Admin. Code § 290.110(b)(4)	
	Secondary Rule Cite(s)		
	Violation Description	Failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.20 mg/L free chlorine or 0.50 mg/L chloramine. Specifically, sample results from the investigation revealed 0.05 mg/L free chlorine.	
		Base Penalty	\$1,000
>>		operty and Human Health Matrix Harm	
OR	Release Actual Potential	B 4 050/	
>>	Programmatic Mat	rix	
	Falsification	Major Moderate Minor Percent	
	Matrix Notes Human	health or the environment will or could be exposed to pollutants which would exceed protective levels.	
		Adjustment -\$750	
		Base Penalty Subtotal	\$25
	Violation Events		
	Number of Viola	tion Events 1	
	mark only one use a small :		\$25
	One	single event is recommended based on documentation of the violation during the August 5, 2004 investigation.	
	Economic Benefit	(EB) for this violation Statutory Limit Test	
	Estimated I	B Amount \$42 Violation Final Penalty Total	\$23

This violation Final Assessed Penalty (adjusted for limits)

\$238

#### **Economic Benefit Worksheet** Respondent City of Killeen Case ID No. 21658 Reg. Ent. Reference No. RN101391308 Additional ID No(s). Public Water Supply ID No. 0140006 Media [Statute] Public Water Supply Percent Years of Violation No. 3 Interest Depreciation 5.0 Item Date Final Interest Onetime EΒ îtem Cost Required Date Saved Costs Amount Description No commas or \$ **Delayed Costs** Equipment \$0 \$0 Buildings 0.0 \$0 \$0 \$0 0.0 \$0 \$0 \$0 Other (as needed) \$2.500 | 05-Aug-2004 | 01-Nov-2004 0.2 \$42 Engineering/construction \$2 \$40 Land 0.0 \$0 \$0 0.0 \$0 \$0 **Record Keeping System** n/a 0.0 \$0 \$0 Training/Sampling n/a 0.0 \$0 \$0 Remediation/Disposal n/a Permit Costs 0.0 \$0 n/a \$0 0.0 \$0 Other (as needed) n/a \$0 Estimated cost to undertake necessary steps to ensure compliant chlorine or chloramine Notes for DELAYED costs concentrations. distributions and the ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.0 \$0 \$0 Disposal 0,0 \$0 \$0 \$0 Personnel Inspection/Reporting/Sampling 0.0 \$0 \$0 \$0 0.0 \$0 \$0 \$0 Supplies/equipment 0.0 \$0 \$0 \$0 Financial Assurance [2] ONE-TIME avoided costs [3] 0.0 \$0 \$0 \$0 \$0 Other (as needed) 0.0 \$0 \$0 Notes for AVOIDED costs \$2,500 TOTAL

Approx. Cost of Compliance

\$42

	Page 9 of 1	0 05/24/07	H:\Agreed Orders	s\Killeen\2	2004-1836-pws-e-qcp_	_Killeen.wb2	
	Screening Date	08-Nov-2004	Doc	ket No.	2004-1836-PWS-E		PCW
	Respondent	City of Killeen				Policy Revi:	sion 2 (September 2002)
	Case ID No.	21658				PCV	N Revision May 17, 2004
Reg.	. Ent. Reference No.	RN101391308					
	Additional ID No(s).	Public Water St	upply ID No. 0140	0006			
	Media [Statute]	Public Water St	upply				
	Enf. Coordinator	Edward R. Mod	lerow				
	Violation Number	4					
	Primary Rule Cite(s)		30 Tex. Admin.	Code § 2	90.42(f)(1)(E)(ii)		
	Secondary Rule Cite(s)		444.0				
	Violation Description	storage tanks. was not pro Cunningham I	Specifically, an a esent at 3 locatior Road, Airport Pun	appropriat ns: South np Statior	equipment for all liquid ee chemical containme neast Elevated Tank a n at 5121 West Schlue 4 South 48th Street.	nt system t 4303	
		Anni and an			Ва	se Penalty[	\$1,000
>> OR >>	Release Actual Potential  Programmatic Mat Falsification  Matrix Notes Human h	Major Mod	erm derate Minor X  derate Minor	ould be ex	Percent 10% Percent		
					Adjustment	t\$900	
					Base Penal	y Subtotal	\$100
	Violation Events  Number of Violation  mark only one use a small of	daily	3 x		Violation Ba	ise Penalty	\$300
<b>TRANSPORTION CONTRACTOR CONTRACT</b>	locati	ons, as docume	nted during the A		e three non-compliant 2004 investigation.		
	Economic Benefit	(EB) for this	violation		Statutory Limit	i est	
	Estimated E	B Amount	\$1		Violation Final Pe	nalty Total	\$28

This violation Final Assessed Penalty (adjusted for limits)

Page 10 of 10 ... 05/24/07 H:\Agreed Orders\Killeen\2004-1836-pws-e-qcp\_Killeen.wb2

	Ec	onomic B	enefit Wor	rksh	eet	······································	1 (A)
Respondent	City of Killeen	حر جربر، در ا	91,0111 1101		, , , , , , , , , , , , , , , , , , ,	4,	, g,+
Case ID No.						je - 1000 € <b>144</b> €	
Reg. Ent. Reference No.						4 1 1 1 2 2	
Additional ID No(s).	Public Water S	Supply ID No. 0	140006	,		in the transfer	
Media [Statute]			the training of		ysette (11. julio e 1	Percent	Years of
Violation No.	4		•	an al	التعريبي والعليمين	Interest	Depreciation
				n in	ه ريي يه وکي	5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$		* ***				19 17 4
							Supplies the Control of the Control
Delayed Costs	Themselmounterpression and the contract of t					ΦΩ.	•
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	, \$0 #0	\$0	\$0
Other (as needed)		05 Aug 2004	40 4 0004	0.0	\$0	\$0 \$1	\$0 64
Engineering/construction	\$800	05-Aug-2004	10-Aug-2004	0.0	\$0 \$0		\$1 60
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0 \$0	n/a	\$0 \$0
Training/Sampling				0.0	\$0 \$0	n/a	\$0 <b>\$</b> 0
Remediation/Disposal				0.0	volume to the contract of the	n/a n/a	\$0
Permit Costs Other (as needed)				0.0	\$0	n/a	\$0 \$0
Other (as needed)			I	1.0.0	ΨΟ]	II/A ]	ΦU
Notes for DELAYED costs	Estimate	ed cost to purch	nase and install	a con	npliant chemica	l containment	system.
	L	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		***************************************		manthidata Carrerra	
Avoided Costs	ANNI	IAI IZE [4] avoido	d casts hafara an	torina i	tem (except for or	بد الكاماتيانية متماعيم	Charles 2
Disposal		DALIEL [1] avoide	COSIS DETOTE ET	0.0	\$0	\$0	\$0
Personnel	[formation and the first of the			0.0	ψ0 \$0	\$0	\$0 \$0
Inspection/Reporting/Sampling	Barren and a second			0.0	\$0	\$0	\$0 \$0
Supplies/equipment	Emmonomorphism of			0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
		***************************************	L	L	ΨΟΙ		ΨΟ
Notes for AVOIDED costs							
200				***************************************			
Approx. Cost of Compliance	\$800					TOTAL	\$1
Approx. Cost of Continuance	ψοσο					IOIAL	

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## **Compliance History**

(For Penalty Purposes Only)

Customer/Respondent/Owner-Operator:

CN600674683

CITY OF KILLEEN

Classification: AVERAGE

Rating: 2.36

Regulated Entity:

RN101391308

CITY OF KILLEEN PUBLIC WATER SYSTEM

Classification: n/a

Site Rating: n/a

ID Number(s):

WATER LICENSING

PUBLIC WATER SYSTEM/SUPPLY

LICENSE REGISTRATION 0140006 0140006

Location:

P.O. Box 1329, Killeen, TX, 76540

TCEQ Region:

Region 9 - Waco

Date Compliance History Prepared:

November 10, 2004

.

Compliance Period:

November 10, 1999 to November 10, 2004

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Edward R. Moderow

Agency Decision Requiring Compliance History: Enforcement

Phone:

(512) 239-2680

#### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes No

2. Has there been a (known) change in ownership of the site during the compliance period?

3. If Yes, who is the current owner?

N/A

4. if Yes, who was/were the prior owner(s)?

N 1 / A

5. When did the change(s) in ownership occur?

N/A

#### Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
  - 1 08/05/2004 (285814)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/20/1999

Self Report? No

Citation:

30 TAC § 290.44(h)(1) 30 TAC § 290.46(j)(3)(A) Classification: n/a

Description:

Failure to install backflow prevention assemblies or an air gap at all at all residences or establishments where

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an actual or potential contamination hazard exists

Self Report? No

March 45 That the fire Classification: n/a

Citation:

Description:

Failure to maintain Customer Service Inspection certifications on file

Self Report? No

Citation:

Classification: n/a

30 TAC § 290.44(d)(1)

Description:

Failure to properly install air release devices in the distribution system

Self Report? No

Citation:

Classification; n/a

Classification: n/a

30 TAC § 290.46(p)

30 TAC § 290.46(j)

Description:

Failure to make available inspection reports of the city's five concrete water storage tanks

Self Report? No

30 TAC § 290.42(e)(7)

Citation:

Description:

Failure to equip the chlorination room at Pump Stations No. 4 and 5 with both high level and floor level.

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F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

K. Sites Outside of Texas

N/A

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§ .	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	·
CITY OF KILLEEN	§	TEXAS COMMISSION ON
PUBLIC WATER SUPPLY ID NO.	§	
0140006	§	
RN101391308	§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2004-1836-PWS-E

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Killeen ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

- 1. The City owns and operates a public water supply system in Killeen, Bell County, Texas (the "Facility") that has approximately 31,388 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
- 3. The City received notice of the violations alleged in Section II ("Allegations") on or about September 27, 2004.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of One Thousand Four Hundred Seventy-Three Dollars (\$1,473) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). One Thousand Four Hundred Seventy-Three Dollars (\$1,473) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.
- 6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

. 

- 7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
  - a. On August 10, 2004:
    - i. Completed all modifications to ensure air release devices are properly installed throughout the water distribution system; and
    - ii. Installed containment facilities for all liquid chemical storage tanks.
  - b. On September 3, 2004, installed the required backflow prevention assembly at the non-compliant location; and
  - c. On November 1, 2004 completed final corrective measures and certified that the residual disinfectant concentration is compliant.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

- 1. Failed to properly install air release devices in the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(1), as documented during an investigation conducted on August 5, 2004;
- 2. Failed to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists, in violation of 30 Tex. ADMIN. CODE §§ 290.44(h)(1)(A) and 290.47(i), as documented during an investigation conducted on August 5, 2004;

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- 3. Failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.20 mg/L free chlorine or 0.50 mg/L chloramine, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4), as documented during an investigation conducted on August 5, 2004; and
- 4. Failed to provide chemical containment equipment for all liquid chemical storage tanks, in violation of 30 Tex. ADMIN. CODE § 290.42(f)(1)(E)(ii), as documented during an investigation conducted on August 5, 2004.

#### III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The imposition of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Killeen, Docket No. 2004-1836-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 5 above, One Thousand Four Hundred Seventy-Three Dollars (\$1,473) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the

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City of Killeen DOCKET NO. 2004-1836-PWS-E Page 4

Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

- 5. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 Tex. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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City of Killeen DOCKET NO. 2004-1836-PWS-E Page 5

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL (	QUALITY
For the Commission	
	tached Agreed Order. I am authorized to agree to the y, indicated below my signature, and I do agree to the
Signature J. MOL	Mouch 2, 2007  Date  Mark Mark Roof
Name (Printed or typed)  Authorized Representative of City of Killeen	Fitle Transport
For the Executive Director	6/27/07 Date

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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# Attachment A Docket Number: 2004-1836-PWS-E

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** C

City of Killeen

**Penalty Amount:** 

One Thousand Four Hundred Seventy-Three Dollars (\$1,473)

**SEP Offset Amount:** 

One Thousand Four Hundred Seventy-Three Dollars (\$1,473)

Type of SEP:

Custom

**Location of SEP:** 

**Bell County** 

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

#### 1. Project Description

#### A. Project

The Respondent shall hold a one-day city-wide waste collection and recycling event and a waste tire dump clean up event. The clean up event will include recycling batteries, electronics, and tires.

The Respondent shall ensure that the event:

- occurs on a weekend during daylight hours;
- offers to the public a convenient drop-off location;
- is organized and conducted by City employees;
- is advertised in:
  - > one newspaper of large circulation in the geographic area,
  - > flyers placed in utility bill mail-outs,
  - > City of Killeen web page, and
  - > City of Killeen cable channel.

The Respondent shall collect, transport, and dispose of the collected wastes. SEP monies related to this Order will be used for roll-off bins, heavy equipment including a track loader, and small equipment to be used during the event.

The Respondent shall perform this project in accordance with all federal, state and local laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event.

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The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

#### B. Environmental Benefit

The recycling portion of the event will include recycling of E-waste materials. E-waste materials include computers and related information technologies such as workstations, scanners, printers, hand-held diagnostic and screening tools, cell phones, servers, and televisions, among many others. Cathode ray tubes ("CRT") are the picture tubes in computers, monitors and TVs. With the rapid evolution of technology, computers and TVs containing CRTs become obsolete in a short period of time and are simply discarded, often in landfills. A typical 17-inch CRT contains approximately two pounds of lead and larger CRTs may contain up to ten pounds of lead. E-waste can contain lead, mercury, cadmium, hexavalent chromium and brominated flame retardants.

This SEP will limit potentially toxic or hazardous E-waste from the waste stream destined for disposal or incineration and to divert the E-waste to environmentally sensitive recycling. This will save valuable landfill capacity and allow the recycler to re-utilize E-waste components, including CRTs.

This SEP will also provide a discernible environmental benefit by providing for the proper disposal of debris and waste that can leach chemicals into the soil, water, and air, as well as help rid the community of the dangers and health threats associated with non-regulated dumping.

#### C. <u>Minimum Expenditure</u>

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

#### 2. Performance Schedule

The Respondent shall complete the project within one year after the effective date of this Agreed Order.

#### 3. Reporting

#### A. <u>Progress Reports</u>

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. There are no other interim performance milestones for this one-day collection and recycling event.

#### B. <u>Final Report</u>

Within 45 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other

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#### City of Killeen

Agreed Order Attachment A Docket No. 2004-1836-PWS-E

verifying documentation attached;

- 2. The total amount of costs incurred;
- 3. A statement of quantifiable environmental benefits;
- 4. Number of tires, batteries, pounds of electronic waste collected;
- 5. Photographs of the project; and
- 6. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

#### C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

#### 4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

#### 5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the TCEQ staff may require immediate payment of all or part of the SEP Offset Amount. The Respondent agrees that it will contribute any monetary shortages in the Offset amount after performance of the project to TCEQ within 120 days of completion of the project.

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order and a note with any payment, explaining that the payment is for a SEP reimbursement. The payment for any amount due shall be made out to the "Texas Commission on Environmental Quality" and mailed to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

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City of Killeen Agreed Order Attachment A Docket No. 2004-1836-PWS-E

#### 6. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must also clearly state that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

#### 7. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 8. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.

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